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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,885	12/13/2000	Rittwik Jana	2000-0165	1038

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EXAMINER

PEREZ GUTIERREZ, RAFAEL

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/735,885	<b>Applicant(s)</b> Jana et al.	
	<b>Examiner</b> Rafael Perez-Gutierrez	<b>Art Unit</b> 2686	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

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### **DETAILED ACTION**

1. This Action is in response to Applicant's amendment filed on June 25, 2004. **Claims 1-7** are still pending in the present application. **This Action is made FINAL.**

### ***Drawings***

2. The drawings received on June 25, 2004 are accepted by the Examiner.

### ***Specification***

3. The disclosure is objected to because of the following informalities:
  - a) On **page 2 line 11**, replace "information" with "--information"-- after "presence"; and
  - b) On **page 8 line 143**, insert "--" after "server" in order to properly end the sentence.Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office Action:

A person shall be entitled to a patent unless -- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such

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treaty in the English language.

**Claims 1-7** are rejected under 35 U.S.C. 102(e) as being anticipated by **Verdonk (U.S. Patent # 6,330,454 B1)**, as applied in the first Office Action.

Consider **claim 1**, Verdonk clearly shows and discloses a location (status) information service for a wireless communication system 100 (mobile telecommunication network) (abstract and figure 1) comprising:

a service control point (SCP) 142 (customer care infrastructure) in communication with the wireless communication system 100 (mobile telecommunication network) (figure 1) and adapted to answer location (status) information requests (queries) (abstract, figures 1, column 1 lines 16-21, column 2 lines 29-59, and column 5 lines 2-59); and

a customer server 140 (subscriber status information server) adapted for use with the SCP 142 (customer care infrastructure) (figure 1) and capable of issuing location (status) information requests (queries) only to the SCP 142 (customer care infrastructure) (i.e., the location (status) information requests (queries) from the customer server 140 (subscriber status information server) are processed only by the SCP 142 (customer care infrastructure) (column 4 line 60 - column 5 line 5 and column 6 lines 44-47)) (abstract, figures 1 and 2, column 1 lines 16-21, and column 4 line 39 - column 5 line 59).

Consider **claim 2**, and as applied to **claim 1 above**, Verdonk further discloses that the location (status) information comprises information indicating location of a mobile unit 128, 130, 132 (subscriber) (abstract, figures 1 and 2, column 1 lines 16-21, column 2 lines 29-59, column 5 lines 33-59, and column 6 line 60 - column 7 line 6).

Consider **claim 3**, and as applied to **claim 2 above**, Verdonk also shows and discloses

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that the SCP 142 (customer care infrastructure) is adapted to:

parse a location (status) information request (query) for a mobile unit 128, 130, 132 (subscriber) information (inherent since the SCP 142, upon receiving the request (query) that includes a mobile identification number (MIN) of a mobile unit 128, 130, 132 (subscriber), determines the home location register (HLR) or the serving mobile switching center (MSC) of the mobile unit 128, 130, 132 (subscriber) in question based upon said MIN) (figure 2 steps 202 and 204, column 5 lines 2-13 and 21-26, and column 6 lines 44-53);

determine a mobile unit's 128, 130, 132 (subscriber's) HLR from the mobile unit 128, 130, 132 (subscriber) information (abstract, figure 2 steps 202 and 204, column 2 lines 33-36, column 5 lines 21-26, and column 6 lines 44-53);

requests (query) the mobile unit's 128, 130, 132 (subscriber's) HLR to identify the MSC (mobile telephone switching office (MTSO)) on which the mobile unit 128, 130, 132 (subscriber) is active (abstract, figure 2 steps 204 and 206, column 2 lines 33-39, column 5 lines 21-37, and column 6 lines 44-60);

issue a location request (call trace query, read in accordance with Applicant's specification) to the MSC (MTSO) (abstract, figure 2 steps 202-206, column 2 lines 33-48, column 5 lines 33-55, and column 6 lines 54-65); and

receive and process the location information from the MSC (MTSO) (abstract, figure 2 steps 208-210, figure 3, column 2 lines 49-59, column 5 line 55-59, column 6 line 65 - column 7 line 6, column 7 lines 26-30).

Consider **claim 4**, and **as applied to claim 2 above**, Verdonk also shows and discloses

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that the SCP 142 (customer care infrastructure) is adapted to:

parse a location (status) information request (query) for a mobile unit 128, 130, 132 (subscriber) information (inherent since the SCP 142, upon receiving the request (query) that includes a mobile identification number (MIN) of a mobile unit 128, 130, 132 (subscriber), determines the home location register (HLR) or the serving mobile switching center (MSC) of the mobile unit 128, 130, 132 (subscriber) in question based upon said MIN) (figure 2 steps 202 and 204, column 5 lines 2-13 and 21-26, and column 6 lines 44-53);

determine a mobile unit's 128, 130, 132 (subscriber's) HLR from the mobile unit 128, 130, 132 (subscriber) information (abstract, figure 2 steps 202 and 204, column 2 lines 33-36, column 5 lines 21-26, and column 6 lines 44-53);

request (query) the mobile unit's 128, 130, 132 (subscriber's) HLR to identify the MSC (mobile telephone switching office (MTSO)) on which the mobile unit 128, 130, 132 (subscriber) is active (abstract, figure 2 steps 204 and 206, column 2 lines 33-39, column 5 lines 21-37, and column 6 lines 44-60);

request (query) a visitor location register (VLR) at the MSC (MTSO) (abstract, figure 3 steps 302 and 304, column 2 lines 40-48, column 5 lines 38-46, column 5 line 64 - column 6 line 2, and column 7 lines 20-26);

receive and process the location information from the MSC (MTSO) (abstract, figure 2 steps 208-210, figure 3, column 2 lines 49-59, column 5 line 55-59, column 6 line 65 - column 7 line 6, column 7 lines 26-30).

Consider **claim 5**, and as **applied to claim 1 above**, Verdonk further discloses that the

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location (status) information comprises information indicating the current location (presence, read in accordance with Applicant's specification) of a mobile unit 128, 130, 132 (subscriber) (i.e., by paging the mobile unit 128, 130, 132 (subscriber) and by the mobile unit 128, 130, 132 (subscriber) returning a page response the presence of the mobile unit 128, 130, 132 (subscriber) in the network is effectively determined (abstract, figures 1-3, column 2 lines 40-48, column 5 lines 13-16, 26-32, and 49-59, column 6 lines 2-6, column 6 line 56 - column 7 line 6, column 7 lines 15-18 and 31-48, and column 8 lines 17-41)).

Consider **claim 6**, and as **applied to claim 5 above**, Verdonk also shows and discloses that the SCP 142 (customer care infrastructure) is adapted to:

parse a location (status) information request (query) for a mobile unit 128, 130, 132 (subscriber) information (inherent since the SCP 142, upon receiving the request (query) that includes a mobile identification number (MIN) of a mobile unit 128, 130, 132 (subscriber), determines the home location register (HLR) or the serving mobile switching center (MSC) of the mobile unit 128, 130, 132 (subscriber) in question based upon said MIN) (figure 2 steps 202 and 204, column 5 lines 2-13 and 21-26, and column 6 lines 44-53);

determine a mobile unit's 128, 130, 132 (subscriber's) HLR from the mobile unit 128, 130, 132 (subscriber) information (abstract, figure 2 steps 202 and 204, column 2 lines 33-36, column 5 lines 21-26, and column 6 lines 44-53);

requests (query) the mobile unit's 128, 130, 132 (subscriber's) HLR for the mobile unit 128, 130, 132 (subscriber) current location (presence) (abstract, figure 2 steps 204 and 206, column 2 lines 33-49, column 5 lines 21-37 and 49-59, column 6 lines 2-6, column 6 line 44 -

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column 7 line 6, and column 7 lines 31-48); and

receive and process the current location (presence) information from the mobile unit's 128, 130, 132 HLR (abstract, figure 2 steps 208-210, figure 3, column 2 lines 49-59, column 5 line 55-59, column 6 line 54 - column 7 line 6, column 7 lines 26-48, and column 8 lines 17-41).

Consider **claim 7**, and **as applied to claim 5 above**, Verdonk also shows and discloses that the SCP 142 (customer care infrastructure) is adapted to:

parse a location (status) information request (query) for a mobile unit 128, 130, 132 (subscriber) information (inherent since the SCP 142, upon receiving the request (query) that includes a mobile identification number (MIN) of a mobile unit 128, 130, 132 (subscriber), determines the home location register (HLR) or the serving mobile switching center (MSC) of the mobile unit 128, 130, 132 (subscriber) in question based upon said MIN) (figure 2 steps 202 and 204, column 5 lines 2-13 and 21-26, and column 6 lines 44-53);

determine a mobile unit's 128, 130, 132 (subscriber's) HLR from the mobile unit 128, 130, 132 (subscriber) information (abstract, figure 2 steps 202 and 204, column 2 lines 33-36, column 5 lines 21-26, and column 6 lines 44-53);

requests (query) the mobile unit's 128, 130, 132 (subscriber's) HLR to identify the MSC (mobile telephone switching office (MTSO)) on which the mobile unit 128, 130, 132 (subscriber) is active (abstract, figure 2 steps 204 and 206, column 2 lines 33-39, column 5 lines 21-37, and column 6 lines 44-60);

issue a current location request (presence information query) to the MSC (MTSO) (abstract, figure 2 steps 202-206, figure 3, column 2 lines 33-49, column 5 lines 21-37 and 49-



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59, column 6 lines 2-6, column 6 line 44 - column 7 line 6, and column 7 lines 31-48); and receive and process the current location (presence) information from the MSC (MTSO) (abstract, figure 2 steps 208-210, figure 3, column 2 lines 49-59, column 5 line 55-59, column 6 line 65 - column 7 line 6, column 7 lines 26-48, and column 8 lines 17-41).

### *Response to Arguments*

5. Applicant's arguments filed June 25, 2004 have been fully considered but they are not persuasive.

In the present application, Applicant basically argues, on page 9 last paragraph through page 10 second paragraph of the remarks, that, in Verdonk, "both the SCP and the customer server can individually and independently obtain a mobile subscriber's location information" since Verdonk discloses that the SCP sends a locate request to the HLR and obtains the location of the serviced mobile unit (column 2 lines 33-36) and that the customer server has the ability to access the wireless communication system via a packet data network to retrieve location information for mobile units (column 4 lines 42-44).

The Examiner respectfully disagrees with Applicant's argument and interpretation of Verdonk's disclosure because the customer server in Verdonk does not individually and independently obtains the location information for the mobile units. In Verdonk, the customer server 140 obtains the location information by sending a location determination request to the SCP 142 through the packet data network 112 (see, for example, figure 1, column 5 lines 2-5,

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and column 6 lines 44-47). When Verdonk's disclosure is taken as a whole, it becomes clear that what is meant by the passage in column 4 lines 42-44 is that the customer server 140 accesses the wireless communication system 100, by sending location determination requests to the SCP 142 via the packet network 112, to retrieve location information for mobile units.

Nowhere does Verdonk disclose or provides support for the assertion that the customer server can obtain the location information without querying the SCP with a location determination request. In other words, in order for the customer server 140 to obtain location information of mobile units, the customer server 140 must communicate only with the SCP 142.

Therefore, in view of the above reasons and having addressed Applicant's argument, the previous rejection is maintained and made FINAL by the Examiner.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any response to this Office Action should be **faxed to (703) 872-9306 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

220 S. 20<sup>th</sup> St.  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rafael Perez-Gutierrez whose telephone number is (703) 308-8996. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

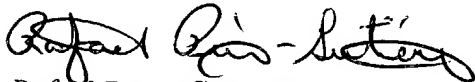
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700 or call customer service at (703) 306-0377.



*Rafael Perez-Gutierrez*

R.P.G./rpg **RAFAEL PEREZ-GUTIERREZ**  
**PATENT EXAMINER**

October 11, 2004